

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

MAR 30 2015

JAMAL S. HATTEN, Clerk  
Deputy Clerk

WILL O. KING,

:

Plaintiff,

:

CIVIL ACTION

:

FILE NO.:

:

1:15 - CV - 0583 -TWT

v.

:

ANSWER

:

KYLEMA JACKSON,  
Individually and in his Official Capacity  
as a City of Atlanta Police Officer,  
and THE CITY OF ATLANTA  
Defendants

1.

I, Defendant Jackson do not know if this statement is true or not.

2.

I, Defendant Jackson do not know if this statement is true or not.

3.

I, Defendant Jackson do not know if this statement is true or not.

4.

I, Defendant Jackson do not know if this statement is true or not.

5.

This is a true statement.

6.

This is a true statement.

7.

This is a true statement.

8.

This is a true statement.

9.

I, Defendant Jackson do not know if this statement is true or not.

10.

I, Defendant Jackson do not know if this statement is true or not.

11.

This is a true statement. Mr. King was initially seen driving on Conley Road and turned onto Jonesboro Road.

(2)

12.

This is a true statement.

13.

I, Defendant Jackson do not know whether this statement is true or not.

14.

This is a false statement. The passenger from the rear seat exited the vehicle and when the subject I gave commands to get back in the vehicle, he refused and continued to walk away.

15.

This is a false statement.

16.

This is a false statement.

17.

This is a false statement. I, Defendant Jackson exited the patrol vehicle with my weapon unholstered.

18.

This is a false statement. I observed movement inside the vehicle with dark tinted windows and I then commanded the subjects to raise their hands.

19.

This is a true statement.

(3)

20.

This is a false statement. I advised the driver, Mr. King to open the door and roll down the window. Mr. King refused, dropped his hands onto the steering wheel turning it and drives the vehicle off. I, Defendant Jackson then turned left in direction of the vehicle and struck the driver side window underhanded with the object in my right hand, which was a firearm.

21.

This is a false statement. After striking the window, the vehicle continued driving off to a location and the driver, Mr. King exited the vehicle and ran off behind a building at an apartment complex.

### **COUNT I**

22.

I, Defendant Jackson do not know whether this statement is true or not.

23.

This is a true statement.

24.

This is a false statement.

25.

This is a false statement.

26.

This is a false statement. The vehicle driven by Mr. King was a suspect vehicle described in multiple robberies reported. I, Defendant Jackson had taken a report regarding a robbery with the vehicle description matching the vehicle Mr. King was driving.

(4)

27.

This is a true statement.

28.

This is a false statement.

29.

This is a true statement.

30.

This is a false statement.

31.

This is a false statement. The vehicle had dark tinted windows and with movement inside the vehicle, the subjects were advised to raise their hands. This action is for the safety of the occupants and the police officer.

32.

I, Defendant Jackson do not know whether this statement is true or not.

33.

This is a true statement.

34.

I, Defendant Jackson do not know whether this statement is true or not.

35.

I, Defendant Jackson do not know whether this statement is true or not.

(5)

36.

I, Defendant Jackson do not know whether this statement is true or not.

37.

I, Defendant Jackson do not know whether this statement is true or not.

38.

I, Defendant Jackson do not know whether this statement is true or not.

39.

I, Defendant Jackson do not know whether this statement is true or not.

## **COUNT II**

40.

I, Defendant Jackson do not know whether this statement is true or not.

41.

This is a false statement.

42.

This is a false statement.

43.

This is a false statement.

44.

This is a true statement.

(6)

45.

This is a true statement.

46.

This is a false statement. Deadly force was not used in this incident.

### **COUNT III**

47.

I, Defendant Jackson do not know whether this statement is true or not.

48.

This is a true statement.

49.

I, Defendant Jackson do not know whether this statement is true or not.

50.

This is a true statement.

51.

This is a true statement.

52.

This is a false statement.

### **COUNT IV**

(7)

**COUNT IV**

53.

I, Defendant Jackson do not know whether this statement is true or not.

54.

This is a false statement.

55.

I, Defendant Jackson do not know whether this statement is true or not.

56.

I, Defendant Jackson do not know whether this statement is true or not.

57.

This is a true statement.

**COUNT V**

58.

I, Defendant Jackson do not know whether this statement is true or not.

59.

This is a true statement.

60.

This is a false statement. The supervisor was not my immediate supervisor and was unaware of my assignment. The supervisor gave a conflicting order in which I challenged and advised that I will not change my position by accepting a conflicting order.



61.

This is a true statement.

62.

I, Defendant Jackson do not know whether this statement is true or not.

63.

I, Defendant Jackson do not know whether this statement is true or not.

64.

I, Defendant Jackson do not know whether this statement is true or not.

65.

I, Defendant Jackson do not know whether this statement is true or not.

66.

I, Defendant Jackson do not know whether this statement is true or not.

67.

This is a false statement.

68.

This is a true statement.

69.

I, Defendant Jackson do not know whether this statement is true or not.

(9)

70.

I, Defendant Jackson do not know whether this statement is true or not.

71.

I, Defendant Jackson do not know whether this statement is true or not.

72.

I, Defendant Jackson do not know whether this statement is true or not.

73.

This is a true statement.

74.

This is a true statement.

## **COUNT VI**

75.

I, Defendant Jackson do not know whether this statement is true or not.

76.

This is a false statement. The business has complained in the past about people loitering in the parking lot.

77.

I, Defendant Jackson do not know whether this statement is true or not.

78.

I, Defendant Jackson do not know whether this statement is true or not.

79.

This is a false statement.

80.

This is a false statement.

81.

I, Defendant Jackson do not know whether this statement is true or not.

82.

I, Defendant Jackson do not know whether this statement is true or not.

83.

I, Defendant Jackson do not know whether this statement is true or not.

84.

This is a true statement. The investigation concluded that the allegations were false.

## **COUNT VII**

85.

I, Defendant Jackson do not know whether this statement is true or not.

86.

This is a false statement.

87.

This is a true statement.

88.

I, Defendant Jackson do not know whether this statement is true or not.

89.

This is a false statement.

90.

This is a false statement.

91.

This is a false statement. I, Defendant Jackson parked next to the sidewalk facing south and entered on foot.

92.

This is a false statement.

93.

This is a false statement.

94.

I, Defendant Jackson do not know whether this statement is true or not.

95.

This is a true statement.

96.

This is a true statement.

97.

I, Defendant Jackson do not know whether this statement is true or not.

98.

I, Defendant Jackson do not know whether this statement is true or not.

### **COUNT VIII**

99.

I, Defendant Jackson do not know whether this statement is true or not.

100.

This is a true statement.

101.

This is a true statement.

102.

I, Defendant Jackson do not know whether this statement is true or not.

### **COUNT IX**

103.

I, Defendant Jackson do not know whether this statement is true or not.

104.

I, Defendant Jackson do not know whether this statement is true or not.

105.

This is a true statement.

(13)

106.

I, Defendant Jackson do not know whether this statement is true or not.

107.

I, Defendant Jackson do not know whether this statement is true or not.

108.

This is a false statement.

109.

I, Defendant Jackson do not know whether this statement is true or not.

### **COUNT X**

110.

I, Defendant Jackson do not know whether this statement is true or not.

111.

This is a false statement. I, Defendant Jackson accepted a position as a courtesy officer in June of 2011.

112.

I, Defendant Jackson do not know whether this statement is true or not.

113.

I, Defendant Jackson do not know whether this statement is true or not.

114.

I, Defendant Jackson do not know whether this statement is true or not.

(14)

115.

This is a true statement.

116.

This is a false statement. I, Defendant Jackson was wearing long shorts that were passed the knees.

117.

I, Defendant Jackson do not know whether this statement is true or not.

118.

This is a true statement.

119.

I, Defendant Jackson do not know whether this statement is true or not.

120.

The is a true statement.

## **COUNT XI**

121.

I, Defendant Jackson do not know whether this statement is true or not.

122.

This is a true statement.

123.

This is a true statement.

(15)

124.

This is a false statement.

125.

This is a false statement.

126.

I, Defendant Jackson do not know whether this statement is true or not.

**COUNT XII**

127.

I, Defendant Jackson do not know whether this statement is true or not.

128.

This is a false statement.

129.

The is a false statement.

130.

I, Defendant Jackson do not know whether this statement is true or not.

**COUNT XII**

**STATE TORT CLAIMS**

131.

I, Defendant Jackson do not know whether this statement is true or not.



132.

I, Defendant Jackson do not know whether this statement is true or not.

133.

This is a false statement. The firearm discharged accidentally in this incident when the driver side window was struck. The shell casing did not eject from the firearm which happens when the trigger is pulled. In this incident, the trigger had not been pulled.

134.

This is a true statement.

135.

This is a false statement.

136.

This is a false statement.

137.

The is a false statement.

138.

This is a false statement.

#### **COUNT XIV**

139.

I, Defendant Jackson do not know whether this statement is true or not.

140.

I, Defendant Jackson do not know whether this statement is true or not.

**COUNT XV**

141.

I, Defendant Jackson do not know whether this statement is true or not.

142.

This is a false statement. Deadly force was not used in the incident. This was an accidental discharge of a firearm when the driver side window was struck with a firearm. Mr. King willfully deliberately committed the act of obstruction upon a police officer by his own admission.

143.

I, Defendant Jackson do not agree with this statement.

I ask the Court to dismiss the case due to:

- (a) false statements and allegations throughout the complaint
- (b) lack of specific claim upon which relief can be granted
- (c) intentional, deliberate, and willful criminal actions committed by the Plaintiff by his own admission

Respectfully submitted this 30<sup>th</sup> day of March, 2015.

Kylema Jackson  
1650 Anderson Mill Road #7103  
Austell, GA 30106  
678-787-4239

Printed By: 3584  
 Printed Date: 03/05/2015

PAGE1

ATLANTA POLICE DEPARTMENT  
 Offense Report  
 INCIDENT NUMBER: 130761025-00

## INCIDENT INFORMATION

Date Reported: 03/17/2013 Time: 1239  
 Report Officer: 3584 (JACKSON)  
 Reviewed By: 1269 (BIGHON)  
 Invest Officer: 1907 (BEASLEY)  
 Officer Making Rpt: 3584 (JACKSON)  
 Supervisor: 1269 (BIGHON)  
 Date Occurred: 03/17/2013 Time: 1230  
 Location: 3685 RUBY H HARPER BLVD SE Pref: Apt:  
 City: ATLANTA State: GA Zip: 30354-  
 Latest Poss Date: 3/17/2013 Time: 1239  
 Associated Offense #:  
 Rpt District: 313 Beat: 313 Shift: D  
 Command Area: 03  
 Damage Prop: Stolen Property: Stolen Vehicle:  
 Disposition: Disposition Date:

## OFFENSES

Offense: 1204 (ROB-STREET-GUN)  
 IBR Code: 1204 Att/Comp: C UCR: 0311 UCR Arson: 0

## VICTIM

Name: MILLER JR, MICHAEL A  
 Juvenile: NO  
 Address: 6622 SHAFFER'S WAY LITHONIA, GA 30058  
 Bldg: Apt #:  
 Contact: SSN: DOB: 06/03/1994 Sex: M Race: B  
 DL Number: State: Hgt: Wgt: Hair: Eyes:  
 Employer: Contact:  
 Emp Addr:  
 Bldg: Apt #:

## SUSPECT

Date and Time Last Updated: 3/17/2013 Officer Signed ID: 3584

Name: UNK, UNK  
 Juvenile: NO  
 Address:  
 Bldg: Apt #:  
 Contact: SSN: DOB: Sex: M Race: B  
 DL Number: State: Hgt: 5'09 Wgt: Hair: BLK Eyes: BRO  
 Employer: Contact:  
 Emp Addr:  
 Bldg: Apt #:

## PROPERTY

Property Tag #  
 Rec Type: STOLEN  
 Ucr Type: MISCELLANEOUS Property Type: OTHER

Printed By: 3584  
 Printed Date: 03/05/2015

PAGE2

ATLANTA POLICE DEPARTMENT  
 Offense Report  
 INCIDENT NUMBER: 130761025-00

Brand:		Model:	
Description:	CELLULAR PHONE	Serial No:	
Quantity:	1		
Owner Applied No:		Value Stolen:	\$0 Value Recovered:
Date Reported:	3/17/2013	Time:	1239
Date Recovered:		Time:	

Property Tag #			
Rec Type:	STOLEN	Property Type:	CLOTHING
Ucr Type:	CLOTHING AND FURS	Model:	
Brand:		Serial No:	
Description:	SHOES	Value Stolen:	\$0 Value Recovered:
Quantity:	1	Time:	1239
Owner Applied No:		Time:	
Date Reported:	3/17/2013		
Date Recovered:			

TOTAL VALUE STOLEN: \$0  
 TOTAL VALUE RECOVERED: \$0

## VEHICLE

Date and Time Last Updated: 3/17/2013 Officer Signed ID: 3584

Rec Type:		Make:	PONT	Model:	GRA
Year:		Color 1:	SILVER	Color 2:	
Style:	4D	Tag State:		Tag Num:	
Tag Type:					
Vin:					
Value Stolen:	\$0	Date Reported:	3/17/2013	Time:	1239
Value Recvrd:		Date Recvrd:		Time:	

TOTAL VALUE STOLEN: \$0  
 TOTAL VALUE RECOVERED: \$0

## NARRATIVE

On 03-17-13 at approximately 12:40 p.m., I Officer K. Jackson responded to a pedestrian robbery at 3685 Ruby H. Harper Boulevard. Upon arrival, I was met by a male subject whom advised a name of Mr. Miller whom stated that he had been robbed of the listed property by a black male subject driving a silver Pontiac Grand Prix. Mr. Miller stated that he came to the park to meet a female he had just met named Brianna. Mr. Miller advised that as he walked up the hill towards the park, he saw a silver vehicle in the parking lot. Mr. Miller further stated that he text the female subject he was there to meet to ask of her whereabouts and he advised she informed Mr. Miller that she was inside the silver vehicle. Mr. Miller indicated that as he approached the vehicle, a black male subject exited the vehicle holding a black firearm and demanded Mr. Miller's property. Mr. Miller advised that he was reluctant at first to surrender his property but then he handed over his cellular phone, shoes, and an undisclosed amount of cash to the black male subject. Mr. Miller advised that the black male entered into the silver vehicle and drove off from the scene. Mr. Miller indicated that he did not see

Printed By: 3584  
Printed Date: 03/05/2015

PAGE3

ATLANTA POLICE DEPARTMENT  
Offense Report  
INCIDENT NUMBER: 130761025-00

the female subject he was at the location to meet. I contacted CID Unit 5340 Investigator Beasley whom arrived on the scene along with Investigator M. Roberson-El. Investigator Beasley transported Mr. Miller to the CID office. The vehicle and black male suspect were not in the area when police arrived.

OFFENSE REPORT #130761025-00 REVIEWED BY JACKSON, K ON 3/17/2013

OFFENSE REPORT #130761025-00 APPROVED BY BIGHON, MARILYN I ON 3/17/2013 3:24:41 PM

Printed By: 3584  
 Printed Date: 03/05/2015

PAGE1

ATLANTA POLICE DEPARTMENT  
 Offense Report  
 INCIDENT NUMBER: 130941706-01

## INCIDENT INFORMATION

Date Reported: 04/04/2013 Time: 1730  
 Report Officer: 5343 (SEBASTIAN)  
 Reviewed By: 2906 (HENNINGER)  
 Officer Making Rpt: 5343 (SEBASTIAN)  
 Supervisor: 2906 (HENNINGER)  
 Date Occurred: 04/04/2013 Time: 1649  
 Location: 3819 JONESBORO RD SE Pref: Apt:  
 City: ATLANTA State: GA Zip: 30315-  
 Latest Poss Date: 4/4/2013 Time: 1730  
 Associated Offense #:  
 Rpt District: 313 Beat: 313 Shift: E  
 Command Area: 03  
 Damage Prop: \$0 Stolen Property: \$0 Stolen Vehicle: \$0  
 Disposition: Disposition Date:

## OFFENSES

Offense: 9M (Miscellaneous Non-Crime)  
 IBR Code: 9999 Att/Comp: C UCR: 9999 UCR Arson: 0

## VICTIM

Name: CITY OF ATLANTA  
 Juvenile: NO  
 Address: 215 LAKEWOOD WAY ATL, GA 30315  
 Bldg: Apt #:  
 Contact: (404) 230-6104 SSN: DOB: Sex: Race:  
 DL Number: State: Hgt: Wgt: Hair: Eyes:  
 Employer: Contact:  
 Emp Addr:  
 Bldg: Apt #:

## ARREST

Arrest#:  
 Name: WILCOX, KENNETH  
 Dispo: Citation#:  
 Juvenile: NO  
 Address: 2800 CAMP CREEK PKWY ATL, GA 30315  
 Bldg: Apt #:  
 Phone: SSN: DOB: 12/21/1989 Sex: M Race: B  
 DL Number: State: Hgt: Wgt: Hair: BLK Eyes:  
 Employer: Phone:  
 Emp Addr:  
 Bldg: Apt #:  
 Arr Date: 04/04/2013

## -----CHARGES-----

106-90 (FALSE REPRESENTATION TO POLICE) Counts: 1  
 99-WAR-FUL (FULTON COUNTY WARRANT) Counts: 1

## NARRATIVE

Printed By: 3584  
Printed Date: 03/05/2015

PAGE2

ATLANTA POLICE DEPARTMENT  
Offense Report  
INCIDENT NUMBER: 130941706-01

On 4/4/2013 at approximately 1649 hours, I Officer J. Sebastian and my partner Officer M. Johns responded to the location of 925 Conley to assist unit 3313 Officer Jackson with his case. At the time we detained a suspect involved with Officer Jackson's case that was placed in our patrol vehicle. The male suspect was detained until a proper identification could be made on the male. Officer Johns asked the male his name as he replied that his name was Reginald Bussey with a date of birth 10-31-1989. We then ran his name as it did not come back on file. We used a fingerprint machine to identify the suspect. The male was identified as Kenneth Wilcox via the fingerprint machine. Mr. Wilcox had a Warrant out of Fulton County for simple assault, warrant number 12CR388272 the date of the Warrant was 2/27/2013. When asked why he gave the name of Mr. Bussey he stated he used his brothers name. When Mr. Wilcox was cleared from questioning from the Detectives on Officer Jackson's case, he was arrested for giving a false name to Police 106-90 and the Warrant out of Fulton Co. Mr. Wilcox was taken to the Atlanta city jail for processing.

There is nothing further to report at this time.

OFFENSE REPORT #130941706-01 REVIEWED BY SEBASTIAN, J S ON 4/6/2013 11:46:49 PM

OFFENSE REPORT #130941706-01 APPROVED BY HENNINGER, T ON 4/7/2013 12:02:43 AM



Printed By: 3584  
 Printed Date: 03/05/2015

PAGE1

ATLANTA POLICE DEPARTMENT  
 Offense Report  
 INCIDENT NUMBER: 130941706-00

## INCIDENT INFORMATION

Date Reported: 04/04/2013 Time: 1649  
 Report Officer: 0042 (CALHOUN)  
 Reviewed By: 0241 (LACOSS)  
 Officer Making Rpt: 0042 (CALHOUN)  
 Supervisor: 0241 (LACOSS)  
 Date Occurred: 04/04/2013 Time: 1647  
 Location: 3819 JONESBORO RD SE Pref: Apt:  
 City: ATLANTA State: GA Zip: 30354-  
 Latest Poss Date: 4/4/2013 Time: 1649  
 Associated Offense #: 1300-125F  
 Rpt District: 313 Beat: 313 Shift: E  
 Command Area: 03  
 Damage Prop: \$0 Stolen Property: \$0 Stolen Vehicle: \$0  
 Disposition: Disposition Date:

## OFFENSES

Offense: 9PIWD (Police Discharging Firearms)  
 IBR Code: 9999 Att/Comp: UCR: 9999 UCR Arson: 0

## VICTIM

Name: KING III, WILL OTIS  
 Juvenile: NO  
 Address: 3441 EISENHOWER RD ATL, GA 30354  
 Bldg: Apt #:  
 Contact: SSN: DOB: 04/03/1992 Sex: M Race: B  
 DL Number: State: Hgt: 5'05 Wgt: 140 Hair: BLK Eyes: BRO  
 Employer: Contact:  
 Emp Addr:  
 Bldg: Apt #:

## WITNESS/INV PARTY

Invol Type: REPORTING PARTY Name: OFFICER K JACKSON  
 Juvenile: NO  
 Address:  
 Bldg: Apt #:  
 Contact: SSN: DOB: Sex: Race:  
 DL Number: State: Hgt: Wgt: Hair: Eyes:  
 Employer: Contact:  
 Emp Addr:  
 Bldg: Apt #:

## SUSPECT

Date and Time Last Updated: 4/5/2013 4:40:09 PM Officer Signed ID: 0042

Name: KING III, WILL OTIS  
 Juvenile: NO  
 Address: 3441 EISENHOWER RD ATL, GA 30354  
 Bldg: Apt #:

Printed By: 3584  
 Printed Date: 03/05/2015

PAGE2

ATLANTA POLICE DEPARTMENT  
 Offense Report  
 INCIDENT NUMBER: 130941706-00

Contact:	SSN:	DOB: 04/03/1992	Sex: M	Race: B
DL Number:	State:	Hgt: 5'05 Wgt: 140	Hair: BLK	Eyes: BRO
Employer:	Contact:			
Emp Addr:				
Bldg: Apt #:				

VEHICLE

Date and Time Last Updated: 4/5/2013 4:40:10 PM Officer Signed ID: 0042

Rec Type:			
Year:	2005	Make:	PONT Model: BON
Style:	4D	Color 1:	SILVER Color 2:
Tag Type:	A	Tag State:	GA Tag Num: 114046668
Vin:	1G2HX52KX5U111007		
Value Stolen:		Date Reported:	Time:
Value Recvrd:		Date Recvrd:	Time:

TOTAL VALUE STOLEN: \$0  
 TOTAL VALUE RECOVERED: \$0

NARRATIVE

On Thursday April 4, 2013 at approximately 1710 hours homicide investigators responded to a call for assistance from Zone Three officers regarding a person shot call. They were reporting to us that one of their officers shot the person. Homicide and HOIST investigators met with the Zone Three units at 925 Conley RD.

The initial investigation into the shooting has revealed that Officer K. Jackson (unit 2313) was on patrol in the area of Jonesboro Rd and Conley Rd when he saw a vehicle being driven on the city streets without any valid insurance and an expired tag. A vehicle matching that description was also suspected of being involved in some robberies.

The vehicle pulled into the CITGO gas station at 3819 Jonesboro Rd. Officer Jackson activated his emergency equipment in the parking lot directly behind the vehicle. He exited his vehicle with his weapon in his hand, and gave the driver (Will King) and his passengers commands to put their hands in the air. Officer Jackson ordered the driver several times to turn the vehicle off and to open the door. The driver refused to comply and began to pull off while the officer was standing next to the driver's side of the vehicle. Officer Jackson fired his weapon one time striking the driver in the face.

Will King drove the vehicle to 925 Conley Rd, where he jumped out of the vehicle and fled the scene on foot. The officer was able to detain the passengers when he pulled up to the driverless vehicle. We learned that the driver ran to a home on Bonnie Lane where he sought the assistance from someone to take him to South Fulton Hospital. He was later transported to Atlanta Medical Center in critical but stable condition.

Printed By: 3584  
Printed Date: 03/05/2015

PAGE3

ATLANTA POLICE DEPARTMENT  
Offense Report  
INCIDENT NUMBER: 130941706-00

Mr. King had three outstanding warrants for his arrest from Fulton, Dekalb, and Clayton Counties. He was held at AMC in police custody for those warrants. CST S McMillan processed the crime scenes. Mr. Kings' vehicle was impounded and taken to the homicide cage so that it could be processed.

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OFFENSE REPORT #130941706-00 REVIEWED BY CALHOUN, ALTON B ON 4/5/2013 4:40:09 PM

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OFFENSE REPORT #130941706-00 APPROVED BY LACOSS, L E ON 4/5/2013 4:51:54 PM